



## BAY COUNTY BOARD OF COMMISSIONERS

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VICE CHAIRMAN  
8<sup>TH</sup> DISTRICT

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5<sup>TH</sup> DISTRICT

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To: Senator Jim Barcia  
Rep. Jeff Mayes  
Rep. Tim Moore  
Exec. Director Tim McGuire, Michigan Assn. Of Co.

From: Bay County Board of Commissioners

Date: March 14, 2007

Re: H.B. 4068

Attached please find a copy of resolution no. 2007-67 introduced by Commissioner Brian K. Elder and adopted by the Bay County Board of Commissioners at their meeting March 13, 2007. This resolution offers Bay County's support for H.B. 4068 which corrects an apparent oversight in addressing the filling of the office of county executive in the event of a vacancy.

Currently vacancies in the county-wide offices of clerk, prosecutor, treasurer, register of deeds, sheriff and drain commissioner are filled pursuant to MCL 168.209 and under that legislation if a vacancy in any of these offices is filled inside of 182 days before a general November election, then the new office holder holds the office for the remainder of the unexpired term.

As you know Bay County has an elected county executive and a vacancy in the office of county executive is filled pursuant to MCL 45.559 and, unlike MCL 168.209, there is no provision for avoiding an unnecessary and costly election if a new office holder is appointed inside of 182 days of a general November election.

The Bay County Board of Commissioners urges your affirmative vote on H. B. 4068.

cc: Bay County Board of Commissioners  
Bay County Executive

Encl.

**BAY COUNTY BOARD OF COMMISSIONERS  
3/13/07**

**RESOLUTION**

BY: COMMISSIONER BRIAN K. ELDER

WHEREAS, Bay County is one of only two Act 139 counties in the State of Michigan and one of only three counties with an elected County Executive; and

WHEREAS, Currently vacancies in the county-wide offices of clerk, prosecuting attorney, treasurer, register of deeds, sheriff and drain commissioner are filled pursuant to MCL 168.209; and

WHEREAS, Pursuant to MCL 168.209(3), if a vacancy is filled in any of these offices inside of 182 days before a general November election, then the new office holder holds the office for the remainder of the unexpired term; and

WHEREAS, The result of MCL 168.209(3) is that counties do not have to hold additional and costly special elections after a vacancy is filled and newly appointed office holders either serve out the unexpired term or an election is held in November of an off, meaning gubernatorial, year; and

WHEREAS, A vacancy in the office of county executive is filled pursuant to MCL 45.559 and, unlike MCL 168.209, the process for filling a vacancy in the office of county executive has no provision for avoiding an unnecessary and costly election if a new office holder is appointed inside of 182 days of a general November election; and

WHEREAS, It is apparent that since only three counties have an elected county executive, the failure to amend MCL 45.559 along with MCL 168.209 was merely an oversight; and

WHEREAS, H.B. 4068 has been introduced to amend 1973 PA 139 by amending section 9 (MCL 45.559), as amended by 2003 PA 281, to eliminate the need for a special election if appointed inside of 182 days of a general November election; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners urges our legislators to vote affirmatively on H. B. 4068; Be It Further

RESOLVED That a copy of this resolution be forwarded to our State Legislators and the Michigan Association of Counties.

BRIAN K. ELDER  
7<sup>th</sup> DISTRICT COUNTY COMMISSIONER

HB 4068  
MOVED BY COMM. Elder  
SUPPORTED BY COMM. Sw:zdala

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Richard L. Byrne	✓			Dawn A. Klida			✓	Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:  
ROLL CALL: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_ EXCUSED \_\_\_\_\_  
VOICE: ✓ YEAS 8 NAYS 0 EXCUSED 1  
DISPOSITION: ADOPTED ✓ DEFEATED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_  
AMENDED \_\_\_\_\_ CORRECTED \_\_\_\_\_ REFERRED \_\_\_\_\_